CF 100L

(1)

(4)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 221/2005

PETITIONER

Rakesh Kumar Shrivastava, S/o. Late Shri Shankar Lal Shrivastava, Aged about 50 years, Hand Pump Mechanic /Technician, PHE Department, Sub Division Dongargarh, District Rajnandgaon (C.G.)

R.R. No. 205/05 Presented by Shri Sanjay Gahwai dated 18.01.05

VERSUS

RESPONDENTS

1. State of Chhattisgarh, Through its Secretary, Public Health Engineering Department, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)

2. Engineer-in-Chief, Public Health Engineering Department, Raipur (C.G)

3. Superintending Engineer, Public Health Engineering Department, Raipur Division, Raipur (C.G.)

4. Executive Engineer, Public Health Engineering Division Rajnandgaon, Rajnandgaon (C.G.)

Received Copy 18.1.05 Clerk to A.G. Bilaspur

उपायुक्त, शासकीय अधिवक्ता, बिलासपुर (छ.ग.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS, CERTIORARI AND FOR OTHER SUITABLE WRIT OR WRITS, ORDER OR ORDERS, DIRECTION OR DIRECTIONS.

The petitioner, above named, most humbly and respectfully submits as under :-

01. **PARTICULARS OF THE PETITIONER** :

As state above in the cause title.

02. **PARTICULARS OF THE RESPONDENTS** :

As stated above in the cause title.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(36)

मामला क्रमांक W.P. 221/2005 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	28.2.2005 Shri Manindra Shrivastava, Senior Advocate with Shri Afroj Khan, counsel for the petitioner. Shri Satish Gupta, Government Advocate for the State/respondents. Heard on admission. The petition has been filed against the order dated 8.11.2004(Annexure P- 1) passed by the Secretary, Public Health Engineering Department, Raipur by which the petitioner, who is working on the post of Hand Pump Mechanic, has been transferred from Rajnandgaon to Ambikapur. Shri Shrivastava submits that the petitioner has been transferred out of district. He very fairly submits that the petitioner is working in district Rajnandgaon since 1978 though he has been posted in various sub-divisions. He also submits that the petitioner is having 3 daughters and they all are college/school going students. He further submits that since the petitioner happens to be a person related to the Union and he has made some complaints against the higher authorities, therefore, his transfer order has been passed. He also submits that he has been transferred out of district and his seniority would be affected if the order is given effect to.	

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(39)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक.....सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

At this stage, learned counsel for the petitioner submits that the petitioner has also made a representation vide Annexure P- 4 and the same is under consideration with the State authority. He also submits that his representation has been forwarded with some recommendations by the local authorities. He also submits that the concerned authority may be directed to consider and dispose of the representation within the stipulated period.

Learned State Counsel does not oppose this limited prayer, made by learned counsel for the petitioner.

Accordingly, the prayer is allowed.

It is directed that a fresh copy of representation Annexure P- 4 shall be submitted before the authority concerned along with copy of this order and a copy of writ petition within a period of 10 days and if such copies are produced, the concerned authority shall consider and decide the representation (Annexure P- 4) in accordance with law within a period of one month from the date of receipt of such representation and the result shall be communicated to the petitioner also.

With the aforesaid observations, the petition stands finally disposed of.

Sd/-
Sunil Kumar Sinha
Judge

sumita

21/05